

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 SSO-00 AF-06 ARA-06 EA-07 NEA-10

USIE-00 INRE-00 CCO-00 CIAE-00 OTPE-00 FCC-01 INR-07

NSAE-00 OC-05 COME-00 BIB-01 IO-11 OIC-02 DODE-00

DOT-00 FMC-01 CG-00 OFA-01 DLOS-04 PRS-01 PA-01

OMB-01 L-03 TRSE-00 /088 W
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O 171605Z FEB 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 9037

LIMITED OFFICIAL USE SECTION 01 OF 02 LONDON 02437

E O. 1L652: N/A

TAGS: PORG, ETEL' IMCO

SUBJECT: INMARSAT CONFERENCE, SECOND SESSION: DAY 5

REF: LONDON 2403

SUMMARY: CONFERENCE ENDED WEEK'S WORK WITH PLENARY SESSION TO HEAR INITIAL COMMITTEE REPORT. COMMITTEES LATER CONTINUED WORK ON CONVENTION AND OPERATING AGREEMENT. EUROPEAN COUNTRIES INTRODUCED RESOLUTION ON INTERIM ARRANGEMENTS, AND JAPANESE INTEND INTRODUCE PROVISION ON PRIVILEGES AND IMMUNITIES. US DEL REQUEST INSTRUCTION ON LATER ISSUE. END SUMMARY.

1. PLENARY: CONFERENCE HELD SHORT PLENARY MEETING TO DEAL WITH SEVERAL ISSUES. CREDENTIALS COMMITTEE REPORTED STATUS OF CREDENTIALS RECEIVED FROM 44 STATES AS PARTICIPANTS AND 2 AS OBSERVERS. COMMITTEE I CHAIRMAN PRESENTED DRAFT REPORT ON TEXTS ADOPTED TO DATE. EUR COUNTRIES PRESENTED PROPOSAL (REPORTED SEPT-76) ON INTERIM ARRANGEMENTS WHICH WAS DEFERRED FOR DISCUSSION
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UNTIL FEB. 17.

2. IN COMMITTEE I' US PROPOSAL TO GIVE COUNCIL AUTHORITY TO EXTEND, ON A CASE-BY-CASE, SERVICE TO STRUCTURES OTHER THAN SHIPS PASSED WITH SOME MODIFICATION. REMAINDER OF ART 7 ADOPTED WITH MINOR EDITORIAL AMENDMENTS. AFTERNOON SESSION SPENT DISCUSSING LIABILITY PROVISIONS.

3. DISCUSSION FOCUSED ALMOST EXCLUSIVELY ON QUESTIONS RELATING TO THE POTENTIAL LIABILITY OF GOVERNMENTS ARISING OUT OF THE SPACE TREATIES. COMMITTEE EVENTUALLY DECIDED TO TAKE A VOTE ON TWO QUESTIONS OF PRINCIPLE:

A. SHOULD THE PARTIES BE FREE TO CLAIM AGAINST EACH OTHER FOR LIABILITY UNDER THE SPACE CONVENTION FOR ACTIVITIES ARISING OUT OF INMARSAT? (STATED CONVERSELY, SHOULD THEY BE REQUIRED TO CLAIM ONLY AGAINST THE ORGANIZATION?)

B. SHOULD THE ORGANIZATION REIMBURSE PARTIES WHO HAVE PAID COMPENSATION FOR SPACE DAMAGE IN THEIR CAPACITY AS PARTIES?

VOTE ON THESE TWO QUESTIONS WAS AS FOLLOWS: QUESTION ONE - YES 8 (US), NO 24, ABSTENTION 1. QUESTION 2 - YES 31, NO 2 (US), ABSTENTION 2. IT IS THUS APPARENT THAT EUROPEANQ HAVE MUCH SUPPORT FOR MODIFYING PROVISIONS OF L967 SPACE CONVENTION AMONG PARTIES OF INMARSAT AND EVEN GREATER SUPPORT FOR AN ARRANGEMENT WHICH WOULD PROVIDE FOR COMPENSATION FOR PARTIES WHO HAVE BEEN REQUIRED TO COMPENSATE A DAMAGE PARTY.

5. MATTER HAS BEEN REFERRED TO LEGAL DRAFTING GROUP. US DEL NOT RPT NOT PARTICIPATING IN THIS GROUP IN ORDER TO MAKE UTTERLY CLEAR, PER INSTRUCTIONS, THAT CONCEPTS

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UNACCEPTABLE. US DEL IS EXPLORING, WITHIN DEL, HOWEVER, POSSIBLE COMPROMISE ON SECOND QUESTION. COMPROMISE WOULD ENTAIL INTELSAT LIABILITY PROVISIONS PLUS A FURTHER PROVISION THAT ORGANIZATION (AND THUS SIGNATORIES) WOULD REIMBURSE PARTIES WHICH HAD HAD TO HONOR CLAIMS SOLELY BECAUSE OF THEIR CAPACITY AS PARTIES. THIS OBLIGATION WOULD BE LIMITED, HOWEVER, IN THAT THE ORGANIZATION WOULD NOT ACTUALLY BE REQUIRED TO REIMBURSE SUCH A PARTY IF THE ORGANIZATION COULD DEMONSTRATE THAT, DESPITE REASONABLE EFFORTS, IT HAD NOT BEEN ABLE TO OBTAIN ADEQUATE INSURANCE. THIS COMPROMISE IS ONLY A SUGGESTION AT THIS STAGE AND MAY NOT ACTUALLY RECEIVE ANY GREAT DEGREE OF SUPPORT WITHIN US DEL.

6. COMMITTEE II:

A. FOLLOWING MORNING PLENARY, COMMITTEE II BEGAN REVIEW OF WP-10 (MARSAT/CONF/C.2. WP-10 AND WP-10/ADD 1) WHICH INCLUDES TEXTS OF ARTICLES OF OPERATING AGREEMENT (ARTS III, IV, V, VI, VII AND VIII) PREVIOUSLY CONSIDERED BY COMMITTEE II WHICH WERE RECOMMENDED FOR ADOPTION BY COMMITTEE. CONSIDERATION OF ART V TEXTS OF LIMITED OFFICIAL USE

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SUB-PARA (2), (8), (9), (9BIS) AND (10) AND RECONCILIATION OF THESE WITH WP-10 AND CONF/13 TEXTS OCCUPIED REMAINDER OF DAY.

B. TEXTS OF ARTS III, IV, VIII AND X ADOPTED BY COMMITTEE; DECISION ON ARTS V AND VII DEFERRED TO NEXT MEETING FEB 16.

7. ACTION REQUEST: JAPANESE DEL INTENDS INTRODUCE DRAFT ARTICLES ON PRIVILEGES AND IMMUNITIES WHICH ARE ESSENTIALLY ALONG LINES OF INTELSAT PROVISIONS. US

DEL ASSUMES UQ CAN AGREE AND REQUESTS CONFIRMATION
OF THIS FROM DEPARTMENT.

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Margaret P. Grafeld
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